

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

DAMIEN MIMS, §
Plaintiff, §
§
v. § CIVIL ACTION NO. 3:13-CV-01599-B
§
GENERAL NUTRITION CORPORATION, §
GN OLDCO CORP. §
Defendants. §

PLAINTIFF'S PRETRIAL DISCLOSURES

TO: General Nutrition Corporation and GN Oldco Corp., by and through its attorneys of record, Gary Fowler, Jackson Walker, 901 Main St., Ste. 6000, Dallas, TX 75202.

Pursuant to Fed. R. Civ. P. 26(a)(3)(A)(i)-(iii), the Plaintiff provides the following Pretrial Disclosures:

1. The name and, if not previously provided, the address and telephone number of each witness—separately identifying those the party expects to present and those it may call if the need arises:

Will present at trial:

1. Damien Mims
2. Marco Cisneros
3. Mariah Taylor
4. Ellaine Reily
5. John Reynolds
5717 Coimar
McKinney, Texas 75070
6. Kevin Griggs

7. Derek Milhousen
8. James Inlow
6520 Plantation Ln.
Frisco, Texas 75035
(214) 693-0343
9. Raika Smitha
10. Lorraine Reidy

May Call if the Need Arises:

11. Shanequa Banes
12. Deatric Jones
13. Laquitta Fennell
14. Nathaniel Williams
15. Felix Williams
16. Markus Griffin
17. Craig Birch
18. Ron Hallock
19. David Duboi
20. Mike Merchant
21. Alana Swartzendruber
22. Mary Ann
23. Rita Jacobs

Plaintiff reserves the right to call any witness listed in Defendants' Pretrial Disclosures.

2. The designation of those witnesses whose testimony the party expects to present by deposition and, if not taken stenographically, a transcript of the pertinent parts of the deposition.

John Thomas Reynolds

P. 16, l. 2-18

P. 38, l. 21-P. 39, l. 11

P. 40, l. 15-P. 42, l. 16

P. 43, l. 23-P. 44, l. 7

P. 44 l. 12-24

Kevin Griggs

Pp. 20, l. 15- P. 21, l. 6

P. 22

Pp. 23, l. 19— P. 24, l. 4

P. 25, l. 16-22

Pp. 29, l. 19- P. 30, l. 3

P. 30, l. 23- P. 31, l. 20

P. 36, l. 11-22

P. 39, l. 14-16

Pp. 41, l. 19-25

P. 42, l. 14-17

P. 47, l. 11-21

P. 49, l. 20-24

P. 64, l. 5-8

P. 69, l. 8-13

P. 72, l. 17-21

P. 72, l. 24, P. 73, l. 10

P. 76, l. 1-17

Pp. 81, l. 1-11

P. 82, l. 18 -P. 83, l. 7

3. An identification of each document or other exhibit, including summaries of other evidence—separately identifying those items the party expects to offer and those it may offer if the need arises.

Will present at trial:

GNC Employee Handbook	bates labeled Plaintiff 3-21
Pay Stub	bates labeled Plaintiff 46
Sales Figures Associates & Managers	bates labeled Plaintiff 47-53
Weekly KIP Indicators by Employee Number	bates labeled Plaintiff 62
Division 3, Region #36 Rankings WTD for WE 6/30/12	bates labeled Plaintiff 64
TWC Job Searches	bates labeled Plaintiff 68-81
TWC Claim for unemployment	bates labeled Plaintiff 82-98
Jack-in-the-Box Pay Stub	bates labeled Plaintiff 218
Defendant's EEOC Position Statement	bates labeled Plaintiff 241-245
Written Statement of Mims	bates labeled GNC 141-142
Written Statement of Swartzendruber	bates labeled GNC 143
Report of Griggs	bates labeled GNC 216
Employee Termination Sheet	bates labeled GNC 186

Gift Card Program	bates labeled GNC 277-278, 496
Store Manager List	bates labeled GNC 288
May present at trial if the need arises:	
GNC Benefits Confirmation	bates labeled Plaintiff 1-2
GNC New Hire Packet	bates labeled Plaintiff 3-21
Sales by Part Time	bates labeled Plaintiff 54-55
Sales by Management	bates labeled Plaintiff 56
Center Listing-Region Summary	bates labeled Plaintiff 57
Certificate of Achievement	bates labeled Plaintiff 58-59
Congrats letter for Anatabloc module	bates labeled Plaintiff 60-61
Employee Information Report	bates labeled Plaintiff 65-66
Expected Hours Work Plan	bates labeled Plaintiff 67
TWC benefit	bates labeled Plaintiff 116
TWC decision	bates labeled Plaintiff 117-122
TWC Right to Sue	bates labeled Plaintiff 123-124
EEOC Charge	bates labeled Plaintiff 125
EEOC Right to Sue	bates labeled Plaintiff 126-127
GNC Postings	bates labeled Plaintiff 128-137
Plaintiff's notes	bates labeled Plaintiff 138-139
Plaintiff's additional notes	bates labeled Plaintiff 140-141
Vitamin Shoppe Pay Stubs	bates labeled Plaintiff 164-176, 217, 326-331

2012 W-2	bates labeled Plaintiff 179
Resume	bates labeled Plaintiff 194
TWC Certified Records	bates labeled Plaintiff 195-216
TWC Audio Recording February 25, 2013	
TWC Audio Recording April 5, 2013	
TWC Hearing Transcript February 25, 2013	
TWC Hearing Transcript April 5, 2013	
Benefits at Vitamin Shoppe	bates labeled Plaintiff 219-220 & 333-334
Letter from Texas Comptroller of Public Accounts	bates labeled Plaintiff 221
EEOC file	bates labeled Plaintiff 222-324
Pay Summary from Vitamin Shoppe	bates labeled Plaintiff 325
2013 W-2 from Vitamin Shoppe	bates labeled Plaintiff 332
2010-2013 Tax Return Transcripts	bates labeled Plaintiff 335-363

Plaintiff reserves the right to offer any exhibit listed in Defendants' Pretrial Disclosures.

Respectfully submitted,

s/Susan E. Hutchison
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CERTIFICATE OF SERVICE

This is to certify that on September 24, 2014, a true and correct copy of the above and foregoing document was served on the following attorneys of record by delivery through the ECF as follows:

Gary Fowler
Sarah D. Mitchell
Jackson Walker
901 Main St., Ste. 6000
Dallas, TX 75202

s/Susan E. Hutchison
Susan E. Hutchison